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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1975

No. 75-111

BUILDERS ASSOCIATION OF SANTA CLARA-SANTA CRUZ COUNTIES, a California Corporation, individually and for the benefit of its members, *Appellant*,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SANTA CLARA, *Appellee*,

CITY OF SAN JOSE, a Chartered City, CITY COUNCIL OF SAN JOSE, NORMAN Y. MINETA, JOSEPH A. COLLA, JANET GREY HAYES, ROY B. NAYLOR, ALFREDO GARZA, JR., SUSAN WILSON and JAMES SELF, as members of the CITY COUNCIL OF SAN JOSE, *Real Parties in Interest.*

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT'S JURISDICTIONAL STATEMENT

JOSEPH A. COLLA,
Room 116, City Clerk's Office, City Hall,
801 North First Street,
San Jose, California 95110,
Telephone: (408) 277-4000; Ext. 4282,
In Propria Persona.

HERMAN J. MAGER,
MAGER & MATTHEWS,
Suite 600 Bank of America Building,
12 South First Street,
San Jose, California 95113,
Telephone: (408) 298-0456,
Of Counsel.

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Joseph A. Colla respectfully petitions this court for leave to file the accompanying brief as an Amicus Curiae in support of Petitioner's Jurisdictional Statement.

The consent of the attorneys for Petitioner herein has been obtained, but counsel for Respondents has refused to consent to the filing of this brief.

The Applicant, Joseph A. Colla, has an interest in the outcome of this case in that he is a City Councilman of the City of San Jose vitally involved in the planning, growth and improvement of the City. Although he is a named defendant, he does not share the views expressed by counsel for defendants and feels that the court should be aware of the profound division of opinion within the City Council concerning the no-growth policies instituted and administered by an elitist group of city officials. It is the interest of the public and of the city administration which Applicant seeks to represent in this brief.

Applicant believes that petitioner, the Builders Association, may not present all of the relevant arguments because of the different perspective from which it approaches the case. The Association consists of persons interested in land development, chiefly residential, as a livelihood whereas Applicant, Joseph A. Colla, is interested in the long-term implications of this decision for urban planning in San Jose, the San Francisco-Oakland Bay Area, and throughout the nation. It is the perspective of the average citizen who desires to work, reside and live a full life in the City of San Jose which the Amicus Curiae Brief attempts to present. The long-term effects af this Court's decision the livability of future urban areas will be great; should this Court let stand the decision of the California Supreme Court, the

devastating and irreversible effects of exclusionary parochial land use practices will mar the urban environment for generations to come.

Applicant apologizes to the Court for presenting this motion at such a late date. However, he had been led to believe that counsel for Respondents would have no objection to the filing of this brief, only learning on September 19, 1975, that consent to such filing would be withheld.

I strongly urge this Court to permit the filing of this brief so that the ecological implications of the constitutional issues raised here may be fully considered by the Court before it determines whether to accept the case for decision.

Dated, San Jose, California,
September 23, 1975.

JOSEPH A. COLLA,
In Propria Persona.

HERMAN J. MAGER,
MAGER & MATTHEWS,
Of Counsel.